IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

JOSEPH REDEAUX §

v. § CIVIL ACTION NO. 6:17ev384

ERIK BRANNON, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Joseph Redeaux, proceeding *pro se*, filed this lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The named defendants are Sgt. Erik Brannon and Officer Kayla McAndrew, officers at the Coffield Unit of the Texas Department of Criminal Justice, Correctional Institutions Division.

The Defendants filed a motion to dismiss for failure to state a claim upon which relief may be granted. Redeaux did not file a response to this motion. After review of the pleadings, the Magistrate Judge issued a Report recommending that the motion be granted and the case dismissed. Redeaux received a copy of this Report on April 9, 2018, but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has examined the pleadings in this cause and the Report of the Magistrate Judge

and has concluded that this Report is correct. See United States v. Wilson, 864 F.2d 1219, 1221 (5th

Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's

Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to

law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 13) is **ADOPTED** as the

opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** for

failure to state a claim upon which relief may be granted. The state law claims raised in the lawsuit

are **DISMISSED WITHOUT PREJUDICE** to Redeaux's right to proceed on these claims in state

court, with the statute of limitations on these state law claims suspended from the date that the

federal lawsuit was filed until 30 days after the date of entry of final judgment. 28 U.S.C. §1367(d).

It is further

ORDERED that any and all motions which may be pending in this civil action are hereby

DENIED.

So Ordered and Signed

May 23, 2018

Ron Clark, United States District Judge

Rm Clark

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